

REMARKS

Claims 6-36 were presented for examination. In an Office action dated January 10, 2008, claims 6-36 were rejected. Claims 6, 13, 25 and 31 are amended herein to more distinctly claim Applicants' invention. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of the prior claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time in this or another application.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Response to Rejection Under 35 USC § 112, Paragraph 2

The Examiner has rejected claims 13 and 31 under 35 USC § 112, ¶ 2 as allegedly not specifically pointing out and distinctly claiming the subject matter that the Applicants regard as the invention.

Applicants have amended claims 13-31 to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Response to Rejection Under 35 USC 102(e)

The Examiner rejected claims 6-7, 17-18, 25-26 and 35-36 under 35 USC § 102(e) as allegedly being anticipated by Hui et al. (“Hui”) U.S. Patent No. 6,237,010. This rejection is traversed.

Claim 6, as amended recites:

A method for creating a representation, the method comprising:
capturing an image of a first object, the first object
associated with a first software application;
determining a reference to the first object;
creating a second object associated with a second software
application and an image of the second object, the
second software application being distinct from the first
software application;
**creating a reference marker, the reference marker
graphically connecting the image of the second
object with the image of the first object;**
creating the representation, the representation comprising
the captured image, **the determined reference**, the
image of the second object, and **the reference marker**;
and
adding the representation to a message.

Similarly, claim 25 has been amended to now recite similar limitations. These features of the claimed invention are beneficial because they allow for the creation of a visual representation that connects an image of a second object with an image of a first object. The visual connection allows a user to visually detect the association between the first and second objects. Additionally, the visual connection allows more objects to be added to a given area because the objects can be located anywhere in the given area and the reference marker visually connects the objects with each other. Furthermore, the reference marker and visual connection allows for other ways to organize the objects presented in a given area, rather than just mere tiling, because, as described previously, it allows for the object to be placed

anywhere in the given area and the reference marker graphically connects the objects with each other.

Hui fails to disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Hui merely describes adding audio information to an image and displaying an audio icon next to the image. *See* Hui, col. 16, lines 1-5. At most, the audio icon created in Hui is a visual representation of audio information associated with an image, and not a reference marker graphically connecting a first object with a second object. As such, Hui does not disclose or suggest a *reference marker graphically connecting the image of the second object with the image of the first object*, as recited in claims 1 and 25. Therefore, for at least these reasons, the rejection of claims 1 and 25 under 35 USC § 102(e) based on Hui is improper and should be withdrawn.

Furthermore, as claims 7, 17-18, 26 and 35-36 depend either directly or indirectly from the patentable independent claims 1 or 25 discussed above, all arguments advanced above with respect to independent claims 1 and 25 are hereby incorporated so as to apply to these dependent claims as well. In addition, claims 7, 17-18, 26 and 35-36 recite other patentable features which further distinguish them from the prior art of record. Applicants submit that dependent claims 7, 17-18, 26 and 35-36 are patentable over the prior art of record by reason of their dependency, in addition to the further patentable limitations recited therein.

Moreover, it would not be obvious to one of ordinary skill in the art to modify Hui to arrive at the presently claimed invention. As discussed above, Hui merely describes adding audio information to an image and displaying an audio icon next to the image. *See* Hui, col.

16, lines 1-5. At most, the audio icon created in Hui is a visual representation of audio information associated with an image, and not a reference marker graphically connecting a first object with a second object. Furthermore, the objects in Hui are located in a specific area and arranged in a specific tiling pattern. Such arrangement would only allow for specific placement of associated audio information.

Response to Rejections Under 35 USC 103(a)

The Examiner rejected claims 8, 10, 12, 14-16, 27, 29, 30 and 32-34 under 35 USC § 103(a) as allegedly being unpatentable over Hui in view of Chailleux (“Chailleux”) U.S. Patent No. 6,404,441. This rejection is traversed.

As discussed above, Hui fails to disclose creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object. Chailleux does not remedy the deficiencies of Hui.

Examiner’s rejections of claims 8, 10, 12, 14-16, 27, 29, 30 and 32-34 are based on Examiner’s rejections of independent claims 6 and 25 under 35 USC § 102(e) where the Examiner alleges that Hui teaches all the limitations of such independent claims. However, as described above, Hui does not teach all the limitations of independent claims 6 and 25 as Hui fails to disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Furthermore, Chailleux does not remedy the deficiencies of Hui as Chailleux also does not disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Chailleux merely discloses a system for producing presentations of computer application programs. *See* Chailleux, col. 3, lines 27-28. The system in Chailleux provides

for the creation and display of a sequence of screenshot images of an application program, but does not disclose or teach an object and references thereto to a multimedia message. *See* Chailleux, col. 3, lines 37-39.

Therefore, because claims 8, 10, 12, 14-16, 27, 29, 30 and 32-34 depend directly or indirectly on independent claims 6 or 25, Applicants respectfully submit that for at least these reasons, claims 8, 10, 12, 14-16, 27, 29, 30 and 32-34 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

The Examiner also rejected claims 19-20 under 35 USC § 103(a) as allegedly being unpatentable over Hui in view of Anguilo (“Anguilo”) U.S. Patent No. 6,275,839. This rejection is traversed.

Examiner’s rejections of claims 19-20 are based on Examiner’s rejections of independent claim 6 under 35 USC § 102(e) where the Examiner alleges that Hui teaches all the limitations of such independent claims. However, as described above, Hui does not teach all the limitations of independent claim 6 as Hui fails to disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Furthermore, Anguilo does not remedy the deficiencies of Hui as Anguilo also does not disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Anguilo merely discloses creating thumbnail representations of original, full-size images. *See* Anguilo, col. 5, lines 61-65.

Therefore, because claims 19-20 depend directly or indirectly on independent claim 6, Applicants respectfully submit that for at least these reasons, claims 19-20 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

The Examiner also rejected claims 9 and 28 under 35 USC § 103(a) as allegedly being unpatentable over Hui in view of Jungleib (“Jungleib”) U.S. Patent No. 5,886,274. This rejection is traversed.

Examiner’s rejections of claims 9 and 28 are based on Examiner’s rejections of independents claim 6 and 25 under 35 USC § 102(e) where the Examiner alleges that Hui teaches all the limitations of such independent claims. However, as described above, Hui does not teach all the limitations of independent claims 6 and 25 as Hui fails to disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Furthermore, Jungleib does not remedy the deficiencies of Hui as Jungleib also does not disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Jungleib merely describes a system for composing a playing back musical works. *See* Jungleib, col. 1, lines 53-54. The system in Jungleib provides for a sound editor for editing sound that can capture waveforms, but does not disclose or teach creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object. *See* Jungleib, col. 5, lines 27-41.

Therefore, because claims 9 and 28 depend directly or indirectly on independent claims 6 and 25, Applicants respectfully submit that for at least these reasons, claims 9 and

28 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

The Examiner also rejected claims 13, 21-24 and 31 under 35 USC § 103(a) as allegedly being unpatentable over Hui in view of Treibitz (“Treibitz”) U.S. Patent No. 6,091,408. This rejection is traversed.

Examiner’s rejections of claims 13, 21-24, and 31 are based on Examiner’s rejections of independents claim 6 and 25 under 35 USC § 102(e) where the Examiner alleges that Hui teaches all the limitations of such independent claims. However, as described above, Hui does not teach all the limitations of independent claims 6 and 25 as Hui fails to disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Furthermore, Treibitz does not remedy the deficiencies of Hui as Treibitz also does not disclose or suggest at least the feature of “creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object.” Treibitz merely describes a system for organizing and displaying information. *See* Treibitz, col. 2, lines 64-65. The system in Treibitz provides for the display information as thumbnails, but does not disclose or teach creating a reference marker, the reference marker graphically connecting the image of the second object with the image of the first object. *See* Treibitz, col. 5, lines 33-47.

Therefore, because claims 13, 21-24 and 31 depend directly or indirectly on independents claim 6 and 25, Applicants respectfully submit that for at least these reasons, claims 13, 21-24 and 31 are patentably distinguishable over the cited references, both alone

and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

Conclusion

In sum, Applicants respectfully submit that all claims now pending are patentable over the cited references for at least the reasons given above, while not necessarily conceding any contention not specifically addressed. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
JOHN W. BARRUS et al.

Date: March 10, 2008

By: /Kanda Ishihara/
Kanda Ishihara, Attorney of Record
Registration No. 56,607
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7805
Fax: (650) 938-5200
Email: kishihara@fenwick.com